

ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0155
(Pond Springs Challenger School)

Z.A.P. DATE: February 4, 2014

ADDRESS: 13015 Pond Springs Road

OWNER/APPLICANT: Budget Leasing, Inc. (David S. Stein)

AGENT: Jones & Carter, Inc. (Shawn Graham, P.E.)

ZONING FROM: I-RR

TO: GR

AREA: 5.001 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant GR-CO, Community Commercial-Conditional Overlay Combining District, zoning. The conditional overlay will limit development on the site to less than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

2/04/14: Approved GR-CO zoning, with additional condition to prohibit Pawn Shop Services, on consent (6-0, R. McDaniel-absent); P. Seeger-1st, C. Banks-2nd.

DEPARTMENT COMMENTS:

The property in question is currently developed with a single-family residential structure and undeveloped land. This property was annexed by the City of Austin in 1998 through Ordinance No. 981210-C. The applicant is requesting GR zoning to develop a private school on the site.

The staff is recommending GR-CO Community Commercial-Conditional Overlay Combining District, zoning for the site under consideration. The proposed GR-CO zoning will be compatible and consistent with the surrounding uses because there are currently multifamily uses located north and west and southeast of this tract of land. In addition, there is GR-CO zoning to the south along Pond Springs Road. The proposed GR-CO zoning will permit the applicant to develop the site with a private school. GR-MU zoning is appropriate for this location because the property meets the intent of the Community Commercial district as it fronts onto a minor arterial roadway and will provide services to the residential areas to the north, west and southeast (Hunter's Chase Apartments, Dakota Springs Apartments, and Martha's Vineyard Apartment Homes).

The applicant agrees with the Zoning and Platting Commission's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Single-Family Residence, Undeveloped
<i>North</i>	I-RR	Multi-family Residential (Hunters Chase Apartments)
<i>South</i>	GR-CO, RR	Automotive Sales (Audi North Austin), Multi-family Residential (Martha's Vineyard Apartment Homes)
<i>East</i>	I-RR	Multi-family Residential (Hunters Chase Apartments)
<i>West</i>	I-RR, GR-MU-CO	Service Station (Valero), Multi-family Residential (Dakota Springs Apartments)

AREA STUDY: N/A**TIA:** Waived**WATERSHED:** Rattan Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

Austin Monorail Project
 Austin Northwest Association
 Bike Austin
 Homeless Neighborhood Association
 Pond Springs Neighborhood Association
 SELTEXAS
 Sierra Club, Austin Regional Group
 Super Duper Neighborhood Objectors and Appealers Organization
 The Real Estate Council of Austin, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2012-0132 (Kenneth L. Bishop: 13039 Pond Springs Road)	I-RR to CS-MU	12/04/12: Approved the staff's recommendation of GR-MU zoning by consent (6-0, S. Compton-absent); C. Banks-1 st , G. Rojas-2 nd .	12/13/12: Approved GR-MU zoning on 1 st reading (7-0); L. Morrison-1 st , B. Spelman-2 nd . 4/11/13: Approved GR-MU zoning on consent on 2 nd /3 rd readings (6-0, K. Tovo- absent); B. Spelman-1 st , L. Morrison-2 nd .
C14-2012-0017 (San Felipe Boulevard Re-Zoning)	GR to GR-MU	3/20/12: Approved staff's recommendation of GR-MU-CO zoning, with the following conditions: add Restaurant (Limited) and Urban Farm back as permitted uses and prohibit Drive-in Services (7-0); P. Seeger-1 st , C. Banks-2 nd .	4/26/12: Approved GR-MU-CO zoning on consent, with conditional overlay to limit the development intensity on the site to less than 2,000 vehicle trips per, prohibit the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing (of any type), Pawn Shop Services,

			Personal Improvement Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Adult Oriented Businesses, Drive-in Services, and require a 10-foot landscape buffer along the eastern property line, on all 3 readings (7-0); B. Spelman-1 st , C. Riley-2 nd .
C14-06-0236 (13201 Pond Springs Road)	I-SF-2 to Tract 1: GR, Tract 2: CS-1	4/17/07: Approved the staff's rec. of GR-CO zoning for Tract 1 and CS-1-CO for Tract 2, with a CO for the following: limit the development intensity on the site to less than 2,000 vehicle trips per, prohibit the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing (of any type); adding Pawn Shop Services as a prohibited use (7-0, Jackson and Hammond-absent)	5/17/07: Approved GR-CO zoning for Tract 1 and CS-1-CO for Tract 2, with a CO for the following: limit the development intensity on the site to less than 2,000 vehicle trips per, prohibit the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing (of any type), Pawn Shop Services (7-0); all 3 readings
C14-06-0157 (Pond Springs Plaza: 13233 Pond Springs Road)	I-SF-2 to Tract 1: CS, Tract 2: CS-1	11/07/06: Approved staff's recommendation of GR-CO zoning for Tract 1 (shopping center), CS-1-CO zoning for Tract 2 (bar area), and GR-CO zoning for newly created Tract 3 (deck area). The conditional overlay would limit the site to uses that generate no more than 2,000 vehicle trips per day and prohibit Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing-of any type, and Service Station uses on the property. The Commission added the following conditions to Tract 2: 1) Prohibit Adult Oriented Businesses; 2) To require double door access to the deck from the bar (if allowable by Code and Building Permit regulations); 3) To place permanent signage on the property at the driveway entries to restrict motorcycle parking in the rear/alleyway. 4) To place permanent signage along the fence/property line between the residential site to the west and the property in question	12/07/06: Approved the ZAP recommendation, striking the requirement for double door access from the bar (Tract 2) to the deck (Tract 3) and adding a condition for speakers be removed from the deck area (7-0). 4/12/06: Approved GR-CO zoning for Tract 1, CS-1-CO zoning for Tract 2, and GR-CO zoning for Tract 3 (6-0); 2 nd /3 rd readings

		<p>designating the parking spaces in the rear/alleyway as, "Employee Parking Only". 5) To construct an 8-foot masonry/or sound retardant fence around the deck to mitigate sound emanating from the deck.</p> <p>The Commission also placed the following conditions on Tract 3 (the deck area): 1) Place an 85 decibel limit (in accordance with LDC Sec. 9-2-4) on the deck to reduce noise emanating from the deck. 2) Restrict amplified sound on the deck. 3) Place permanent signage on the deck for noise mitigation. 4) Remove the pool table off of the deck. Vote: (7-2, B. Baker, J. Martinez- No); J. Shieh-1st, S. Hale-2nd.</p>	
C14-04-0157 (Nouri Project: 186 Pond Springs Road)	I-RR to CS	11/2/04: Approved staff's recommendation of CS-CO zoning, the CO would limit the site to uses that generate no more than 2,000 vehicle trips per day by consent (9-0); J. Martinez-1 st , J. Gohil-2 nd .	12/02/04: Approved CS-CO (7-0); all 3 readings
C14-04-0070 (12952 Pond Springs Road)	I-RR to GR-CO	7/20/04: Approved staff's recommendation of GR-CO zoning, with CO to impose the following conditions: 1) The only permitted GR uses are Auto Sales and Auto Repair; 2) Permit LR Uses, with the exception of the following LR uses: Service Station; Restaurant (General); Restaurant (Limited); 3) Limit the development intensity to less than 2,000 vehicle trips per day; 4) Require a 25' vegetative buffer along the northern property line; by consent (8-0, J. Pinnelli-absent)	8/26/04: Granted GR-CO (7-0); all 3 readings
C14-03-0080 (Goodson 4.4 acres: San Felipe Blvd)	MF-3-CO to GR	6/10/03: Approved staff's alternate recommendation of GR-CO zoning with the following conditions: 1) Limit the site to 2,000 vehicle trips per day; 2) Prohibit the following uses: Automotive related uses [Automotive Rentals, Automotive Repair Services, Automotive	7/17/03: Approved ZAP rec. of GR-CO (7-0); with the following additional permitted uses: Personal Improvement Services use and permit Drive-In Facilities, only as an accessory use to a Bank (Financial Services use). 8/14/03: Approved (7-0); 2 nd /3 rd

		<p>Sales, and Automotive Washing (of any type)], Pawn Shop Services, Restaurant (Drive-In, Fast Food), Personal Improvement Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Adult Oriented Businesses, Urban Farm, and 3) Require a 10-foot landscape buffer along the Eastern property line. Vote: (8-0, J. Martinez-absent); M. Whaley-1st, K. Jackson-2nd.</p>	readings.
<p>C14-02-0132 (Goodson 8 Acres: Pond Springs Road at San Felipe Boulevard)</p>	<p>MF-3-CO to GR</p>	<p>10/22/02: Approved GR-CO zoning with the following conditions:</p> <ol style="list-style-type: none"> 1) The only permitted GR uses are Automotive Sales and Automotive Repair Services; 2) Permit LR uses, with the exception of the following uses: <ol style="list-style-type: none"> a) Service Station b) Food Sales c) Accessory Off-Site Parking d) Restaurant (Drive-In, Fast Food) e) Restaurant (Limited); 3) 2,000 vehicle trip per day limit; 4) Require that protected trees shall remain undisturbed; 5) Require that Compatibility Standards be applied along the eastern property line; 6) Require a 25' vegetative buffer along the eastern property line; 7) Limit structures to 40' in height, with an increase in height according to Compatibility Standards; 8) Require that all Automotive Maintenance and Repair be contained within a structure; 9) Restrict access to San Felipe Boulevard to emergency access only; 10) Allow no inoperable vehicle storage on the site; 11) Parking lot not allowed adjacent to the proposed 	<p>11/21/02: Granted ZAP rec. of GR-CO zoning w/ conditions and a public restrictive covenant (6-0, Goodman-absent); 1st reading 12/5/02: Granted GR-CO zoning (7-0); 2nd reading, with the following conditions:</p> <ol style="list-style-type: none"> 1) No structural detention or water quality facility shall be allowed within the proposed 25' vegetative buffer; 2) Grow green standards shall be utilized; 3) Structural parking shall be prohibited <p>12/12/02: Granted GR-CO zoning (7-0); 3rd reading [valid petition withdrawn]</p>

		vegetative buffer along the eastern property line.	
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RELATED CASES: C7A-98-001 (Annexation Case)

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Pond Springs Road	100'	MAD-4	Arterial	11,206
Hunters Chase Drive	90'	42'	Collector	5,990

CITY COUNCIL DATE: February 27, 2014

ACTION:

ORDINANCE READINGS: 1st

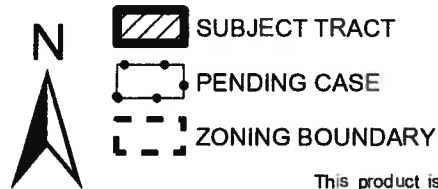
2nd

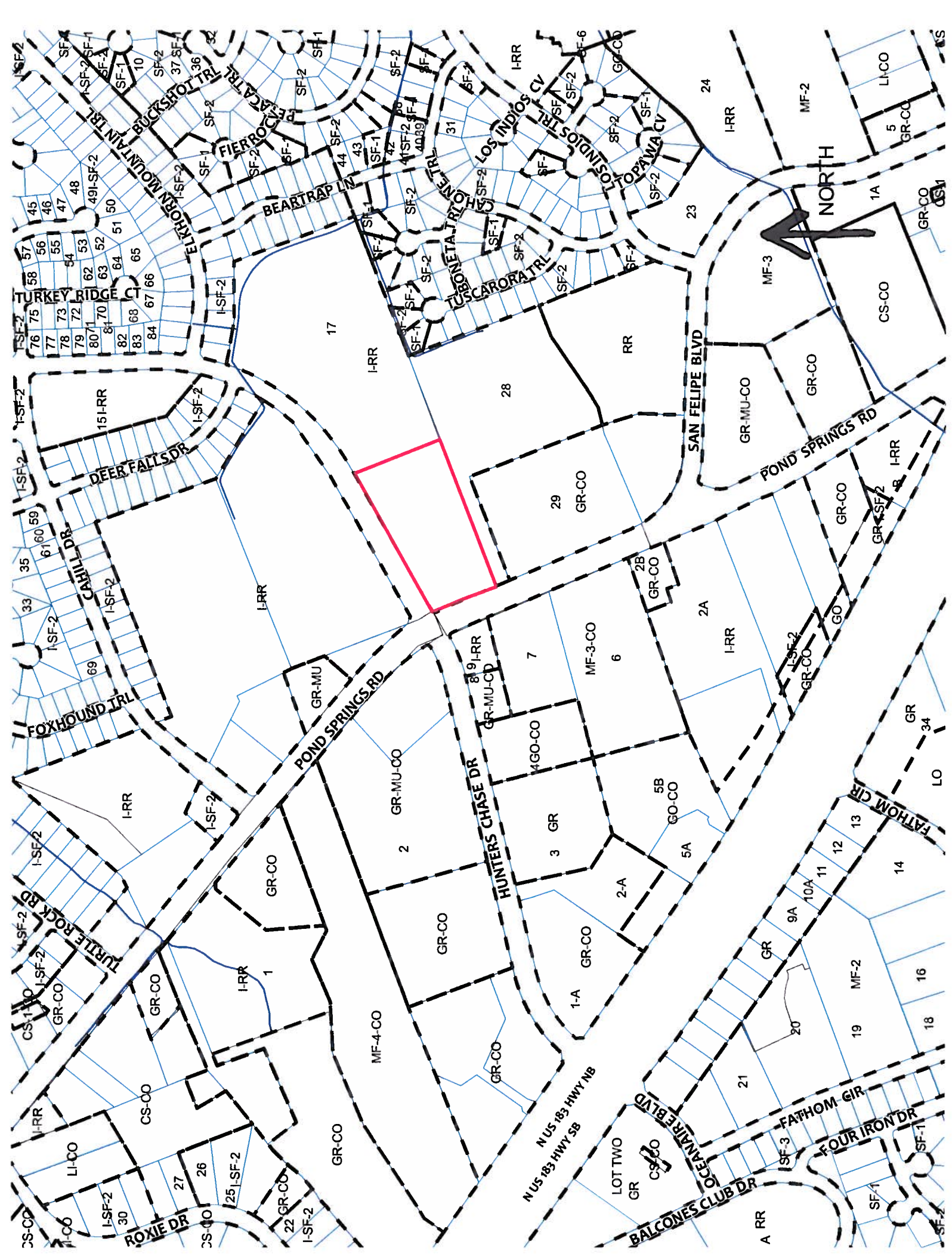
3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@austintexas.gov







STAFF RECOMMENDATION

The staff's recommendation is to grant GR-CO, Community Commercial-Conditional Overlay Combining District, zoning. The conditional overlay will limit development on the site to less than 2,000 vehicle trips per day.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The Community Commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

2. *The proposed zoning should promote consistency and orderly planning.*

The GR-CO zoning district would be compatible and consistent with the surrounding uses because there are multifamily residential uses located to the east and south and office and commercial/retail uses located to the north and southeast of the site. In addition, there is GR-CO zoning to the south of this tract along Pond Springs Road.

3. *The proposed zoning should allow for a reasonable use of the property.*

The GR-CO zoning district would allow for a fair and reasonable use of the site as this zoning would permit the applicant to develop this tract of land with a mixture of commercial and residential uses. GR-CO zoning is appropriate for this location because of the commercial and high density residential character of the area.

4. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

The property in question is located at the southeast corner of the intersection of a minor arterial roadway, Pond Springs Road, and a collector street, Hunters Chase Drive.

EXISTING CONDITIONS

Site Characteristics

The site in question is currently developed with a single-family residence, sheds and undeveloped tract of land located at the southeast corner of Hunters Chase Drive and Pond Springs Road. There are multifamily residential uses to the north (Hunters Chase Apartments), across Hunters Chase Drive, to the west, across Pond Springs Road (Dakota Springs Apartments) and to the southeast (Martha's Vineyard Apartment Homes). There are commercial uses to the east (Valero Service Station and Food Mart) and to the south (Audi North Austin).

Comprehensive Planning

IRR to GR (Community Commercial)

This case is located on the southeast corner of Hunters Chase Drive and Pond Springs Road. The 5 acre subject parcel contains a single family house. The proposed use is a 20,000 square foot private

school. This property is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes apartments to the north and east, an auto dealership to the south, and a gas station and bank to the west.

Imagine Austin

The property is located immediately adjacent to the boundaries of a **Neighborhood Center** as identified on the Imagine Austin's Growth Concept Map. A Neighborhood Center is the smallest and least intense of the three types of activity centers outlined in the Growth Concept Map, with a focus on creating local businesses and services—including doctors and dentists, shops, branch libraries, dry cleaners, hair salons, coffee shops, restaurants, and other small and local businesses that generally serve the center and surrounding neighborhoods.

The property is also located over the Edwards Aquifer Recharge Zone, as identified on the Imagine Austin's Environmental Resources Map, found in the Image Austin Comprehensive Plan (IACP). An aquifer contributing zone is an area where runoff from precipitation flows to the recharge zone of an aquifer. Streams in the contributing zone flow downstream into the recharge zone and “contribute” water to the aquifer.

The following Imagine Austin policies are applicable to this case:

- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **HN P10.** Create **complete neighborhoods** across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and **access to schools**, retail, employment, community services, and parks and recreation options.
- **N P1.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and **access to schools**, retail, employment, community services, and parks and recreation options.
- **N P4.** Strengthen Austin's neighborhoods by connecting to other neighborhoods, **quality schools**, parks, environmental features, and other community-serving uses that are accessible by transit, walking, and bicycling.

Based on the proposed project: (1) providing a neighborhood based school to nearby housing thus supporting the development of a complete community; (2) being located immediately adjacent to a Neighborhood Center, which supports the development of neighborhood oriented uses, including schools; and (3) the Imagine Austin policies referenced above that supports the development of a variety of land uses, including schools, staff believes that the proposed educational use complies to the Imagine Austin Comprehensive Plan as long as environmental regulations are considered and enforced.

Environmental

The site is located over the Edwards Aquifer Recharge Zone. The site is in the Rattan Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 90%. However, because the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Note: The most restrictive impervious cover limit applies.

Site Plan

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

Transportation

No additional right-of-way is needed at this time.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Pond Springs Road is classified in the Bicycle Plan as Bike Route No. 21. Hunters Chase Drive is classified in the Bicycle Plan as Bike Route No. 314.

Capital Metro bus service is not available along Pond Springs Road and Hunters Chase Drive.

There are existing sidewalks along Pond Springs Road and Hunters Chase Drive.

Eric Dusza in the Neighborhood Connectivity Division may provide additional comments regarding mobility enhancement and bicycle/pedestrian facilities.

Existing Street Characteristics:

<u>Name</u>	<u>ROW</u>	<u>Pavement</u>	<u>Classification</u>	<u>ADT</u>
Pond Springs Road	100'	MAD-4	Arterial	11,206
Hunters Chase Drive	90'	42'	Collector	5,990

Water and Wastewater

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Wastewater service is not currently to the tract. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2013-0155

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Feb 4, 2014, Zoning and Platting Commission

Feb 27, 2014, city Council

Your Name (please print)

ROBERT T KIM

☐ I am in favor
☐ I object

Your address(es) affected by this application

12342 HUNTER CHASE AUSTIN 78729

Signature

[Signature]

Date

Feb 1 25 14

Daytime Telephone:

Comments:

I AM IN FAVOR

512 257 0272

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2013-0155

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Feb 4, 2014, Zoning and Platting Commission

Feb 27, 2014, city Council

Joseph T. Dolen

Your Name (please print)

12343 Hunters Chase Dr

Your address(es) affected by this application

#321 Austin TX 78729

Signature: [Signature] Date: 1-28-2014

Daytime Telephone: 512-797-2189

Comments:

Neighborhood already closed with business.

We don't need more.

You would not want your neighborhood trashed would you Sherri?

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810